

# NEBRASKA

Good Life. Great Environment.

DEPT. OF ENVIRONMENTAL QUALITY

JAN 07 2019



Pete Ricketts, Governor

## **Return Receipt Requested**

Mr. Jody Anderson, Plant Manager  
Big Ox Energy Siouxland LLC  
1616 D Ave  
Dakota City, Nebraska 68731 3003

## **Notice of Violation (NOV)**

**RE: Big Ox Energy Siouxland LLC**

**NDEQ ID: 105921**

**Program ID: NER910002**

Dear Mr. Anderson:

This Notice of Violation is being issued to you for violations of the Integrated Solid Waste Management Act, Neb. Rev. Stat. §§ 13-2001 to 13-2043; NDEQ Title 119, *Rules and Regulations Pertaining to the Issuance of Permits under National Pollutant Discharge Elimination System (NPDES); Title 132 – Integrated Solid Waste Management Regulations*; and Industrial Storm Water General Permit NER910000. The violations were documented during an inspection of Big Ox Energy Siouxland LLC conducted on January 2, 2018. A copy of the inspection report is enclosed.

Based on this inspection, your facility was found in violation of the following requirements:

### **A. Failure to meet permit conditions of Industrial Storm Water General Permit NER910000 (ISW-GP).**

1. Industrial storm water control best management practices (BMPs) are not in use or maintained as required by Part 2.1 of the ISW-GP. The following was observed at the site.
  - a. Digester solids are stockpiled onsite without adequate containment.
  - b. Facility is not implementing good housekeeping measures.
  - c. Digester solids and paunch manure are not listed as a potential pollutant source in the SWPPP.
  - d. Controls are not implemented for potential pollutant sources.
  - e. Track out of industrial materials is not listed as a potential pollutant source and does not list BMPs to address track out.

These are violations of Title 119, Chapter 14, Section 001.01

### **B. Failure to comply with Integrated Solid Waste Management Regulations**

1. Disposal of solid waste after October 1, 1993 at a location other than a solid waste management facility holding a current permit issued by the Department pursuant to the Integrated Solid Waste Management Act (Neb. Rev. Stat. §81-1506(3)(d)).

Department of Environmental Quality

[deq.ne.gov](http://deq.ne.gov)

Jim Macy, Director

P.O. Box 98922  
1200 N Street, Suite 400  
Lincoln, Nebraska 68509-8922

OFFICE 402-471-2186 FAX 402-471-2909  
[ndeq.moreinfo@nebraska.gov](mailto:ndeq.moreinfo@nebraska.gov)



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2. Operating a solid waste management facility without a permit issued by the Department (Title 132 – Integrated Solid Waste Management Regulations, Chapter 2, 001).
  - a. Dumping of digester solids and paunch at the facility without a permit.

Regulations that have been referenced are available online at the Department's website:  
<http://deq.ne.gov>

The Department has determined that the following action must be taken to correct these violations. You are required to complete the following and provide written confirmation of completion to the undersigned by the date indicated:

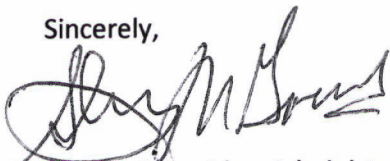
1. **By January 31, 2019**, submit a description in writing of the corrective actions taken to mitigate the above referenced ISW-GP violations. Copies of receipts or bills of lading showing removal of the waste should also be submitted. Please include photo documentation of the corrective actions.
2. **By January 31, 2019**, submit to the Department an updated SWPPP that addresses potential pollutants present.
3. **Immediately** cease placement of solid waste material at any unauthorized location.

These violations are considered a high priority by the department and further enforcement action is being considered, Enforcement action may include injunctive relief and/or penalties of up to \$10,000.00 per violation per day.

Please direct all contacts and any written response to this NOV to:

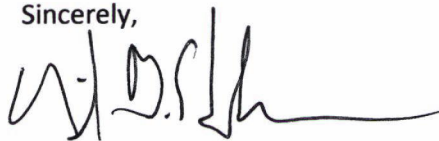
**Jason Windhorst, Program Specialist**  
**NDEQ Water Quality Division**  
**1200 N Street, Suite 400**  
**P.O. Box 98922**  
**Lincoln, NE 68509-8922**  
**Phone 402-471-4205**

Sincerely,



Shelley Schneider, Administrator  
Water Permits Division

Sincerely,



David B. Haldeman, Administrator  
Land Management Division

Enclosure

cc: Jason Windhorst, NDEQ  
cc: Brian Gorman, NDEQ  
cc: NORTHWEST REGISTERED AGENT SERVICE, INC.  
SUITE 100, 530 S. 13TH STREET  
LINCOLN, NE 68508